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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

Case No. 2:15-CR-62 JCM (CWH)

8 Plaintiff(s),

ORDER

9 v.

10 LOUIS MATTHEWS, et al.,

11 Defendant(s).  
12

13 Presently before the court is defendant Louis Matthews' motion for appointment of new  
14 counsel. (ECF No. 246).

15 On October 12, 2016, a jury found defendant guilty of counts one and three of the  
16 superseding indictment in the case. (ECF No. 165). On February 1, 2017, the court sentenced  
17 defendant to ten years on count one and life on count three, to run consecutively to count one.  
18 (ECF No. 213).

19 On February 9, 2017, defendant filed a notice of appeal. (ECF No. 218). On September  
20 7, 2017, defendant filed a letter with this court requesting new counsel. (ECF No. 246).

21 "Once a notice of appeal is filed, the district court is divested of jurisdiction over the  
22 matters being appealed." *Nat. Res. Def. Council, Inc. v. Sw. Marine Inc.*, 242 F.3d 1163, 1166  
23 (9th Cir. 2001). On February 9, 2017, defendant filed both the present motion and a notice of  
24 appeal. (ECF Nos. 217, 218). This court therefore lacks jurisdiction to grant defendant's requests.

25 If defendant wishes to request the same from the court currently exercising jurisdiction  
26 over the case, counsel may file the motion in the applicable Ninth Circuit case.

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Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant’s motion for appointment of new counsel (ECF No. 246) be, and the same hereby is, DENIED.

DATED September 12, 2017.

  
UNITED STATES DISTRICT JUDGE